

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF ARCHITECTS

IN THE MATTER OF

GEORGE WEINER
License No. AI 11773

TO PRACTICE ARCHITECTURE
IN THE STATE OF NEW JERSEY

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: Administrative Action
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: FINAL ORDER
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: OF DISCIPLINE
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This matter was opened to the New Jersey State Board of Architects upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made.

FINDINGS OF FACT

1. On or about September 10, 1998, the Respondent entered into a Consent Order with the New Jersey State Board of Architects wherein Respondent was found in violation of N.J.A.C. 13:27.5.5(c) for unlawfully aiding and abetting the unlicensed practice of architecture by Gale Corporation, Inc., 333 Court Street, Hoboken, New Jersey, a firm which had failed to obtain a Certificate of Authorization in violation of N.J.S.A. 45:3-18.

2. As a result of the Consent Order, which also resolved other violations, the Respondent's license was suspended for two years, which was fully stayed and to be served as a period of probation. Respondent was also assessed civil penalties in the amount of \$3,500.00 and costs of \$301.24.

3. The Board has obtained information that Gale Corporation never obtained a Certificate of Authorization in violation of N.J.S.A. 45:3-18. Respondent, who is the licensed architect in responsible charge at Gale, also continues to unlawfully aid and abet the unlicensed practice of architecture by Gale in violation of N.J.A.C. 13:27-5.5(c).

CONCLUSIONS OF LAW

1. The above Consent Order entered into by Respondent with the New Jersey State Board of Architects provides ground to take disciplinary action against Respondent's license to practice architecture in New Jersey pursuant to N.J.S.A. 45:3-18 for the continuing failure to obtain the required Certificate of Authorization and N.J.S.A. 45:1-21(h), N.J.S.A. 45:1-21(n) and N.J.A.C. 13:27-5.5(c) for the continuing violation of aiding and abetting the unlicensed practice of architecture by the Gale Corporation. Additionally, Respondent is in violation of N.J.S.A. 45:1-21(e) and N.J.A.C. 13:45C-1.4 for professional misconduct in that Respondent failed to comply with the provisions of the Consent Order.

DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline ("POD") was entered by this Board and served upon Respondent. The POD was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

The Respondent, through his attorney, William N. Dimin, Esquire, submitted a response dated September 26, 2002. Respondent explains that Gale Associates, LLC was formed on February 26, 2001. However, due to delays, the application for a Certificate of Authorization was not filed until on or about June 1, 2001. Thereafter, because the corporate name did not fulfill the statutory requirements, it was amended on or about November 9, 2001 and a revised application for a Certificate of Authorization was not filed with the Board until December 2001.


The Board notes that the original Consent Order was executed by Respondent on or about September 10, 1998. Although Respondent eventually did file an application for a Certificate of Authorization, there was a significant delay between the date of the Consent Order and the application filed with the Board on June 1, 2001. During this almost three (3) year time period, it is undisputed that Respondent was in violation of the Consent Order and that he continued to aid and abet the unlicensed practice of architecture and failed to obtain a Certificate of Authorization. As a result, the Board has determined that the penalties set forth in the Provisional Order of Discipline are not excessive or unwarranted under these circumstances, as argued by the Respondent. However, the Board notes that the application for a Certificate of Authorization filed with the Board in December 2001 is complete, except for the payment of the required application fees. Further, since there are no disputed facts, the Board does not believe a hearing is warranted.

ACCORDINGLY, IT IS on this 14th day of November, 2002 ORDERED that:

1. Respondent shall be, and hereby is, reprimanded. Further, Respondent shall pay a civil penalty in the amount of \$5,000.00 within thirty (30) days of the date of this Final Order or a Certificate of Debt shall be issued.
2. Respondent shall have forty-five (45) days to finalize his application for a Certificate of Authorization by submitting the required application fee of \$100.00 directly to James S. Hsu, Executive Director, Department of Law & Public Safety, Division of Consumer Affairs, New Jersey State Board of Architects, 124 Halsey Street, Newark, New Jersey 07101. If the Respondent fails to complete his application within this time period, then further disciplinary action may result.

NEW JERSEY STATE BOARD OF ARCHITECTS

By:


Howard Horii, Board President